

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

TRUSTEES OF BOSTON UNIVERSITY,

Plaintiff,

v.

EVERLIGHT ELECTRONICS CO., LTD.
and EVERLIGHT AMERICAS, INC.,

Defendants.

Consolidated Civil Action No.
12-cv-11935-PBS

TRUSTEES OF BOSTON UNIVERSITY,

Plaintiff,

v.

EPISTAR CORPORATION,

Defendant.

Consolidated Civil Action No.
12-cv-11935-PBS

TRUSTEES OF BOSTON UNIVERSITY,

Plaintiff,

v.

LITE-ON INC., ET AL,

Defendants.

Consolidated Civil Action No.
12-cv-11935-PBS

**DECLARATION OF RICHARD C. VASQUEZ RE ORDER AWARDING 35 USC
SECTION 285 ATTORNEYS' FEES TO DEFENDANTS**

I, Richard C. Vasquez, hereby declare as follows:

1. I am an attorney with Vasquez Benisek & Lindgren LLP and lead counsel for Defendants Epistar Corporation (“Epistar”), Everlight Electronics Co., Ltd. and Everlight Americas, Inc. (“Everlight”), and Lite-On Inc., Lite-On Service USA, Inc., Lite-On Technology

Corporation, and Lite-On Trading USA, Inc. (“Lite-On”) (collectively “Defendants”) in the above-captioned cases. I am over the age of 21 years, and am competent to make this declaration. All of the statements set forth herein are true and correct and are based on my personal knowledge.

2. On July 18, 2019, while granting in-part defendants’ motion for attorneys’ fees pursuant to 28 USC section 285, this court ordered plaintiff Trustees of Boston University to pay for defendants’ attorneys’ fees incurred in preparing briefs and arguing defendants’ two motions which resulted in this court holding plaintiff’s lead counsel in contempt of court. ECF 1890, page 24.

3. Per Judge Saris’ Memorandum and Order dated July 18, 2019 (ECF 1890), the court denied Plaintiff’s motion to tax costs, in part, and Defendants were awarded costs in the amount of \$87,510.18, as follows:

- a. \$8,670.81 – Deposition videos (Page 30);
- b. \$25,990.41 – Deposition Transcripts (Page 31);
- c. \$6,252.51 – Demonstratives (Page 33);
- d. \$17,819.62 – Interpreters (Page 33); and
- e. \$28,776.83 – Uncontested Costs (Page 34).

4. I am the billing attorney for defendants on this case. Attached as Exhibit A is a summary of the hours spent responding to BU’s lead counsel’s contempt order violations, and the attendant filing for the motions to hold him in contempt and to enforce the court’s contempt orders. Defendants’ fees totaled \$44,174.00. The brief and filings are located in the court’s file at ECF 1574, ECF 1638 and ECF 1638-1 through 1638-35.

5. Attached as Exhibit B is a redacted version of the bills which VBL presented to Defendants in the months after the work was performed, and which Defendants have paid, which provide the original back up to the summary in Exhibit A. On the billings, RCV references my work (class of 1986); EWB references the work of my partner Eric Benisek (class of 2000); SS references the work of Steven Steinberg (class of 2003) and PO references the work of legal assistant Padraig O'Connor. All of the indicated work was in fact performed, and I either performed it myself or supervised it. My firm's rates are more than reasonable for the work performed and were substantially lower than what Plaintiff claimed when it sought fees in this action.

6. In advance of filing this declaration I asked Plaintiff's counsel whether Plaintiff would stipulate to the fees in Exhibits A and B, and Chris Evans indicated BU would not.

7. Defendants have lodged a proposed form of final judgment concurrently herewith which reflects the above costs and attorneys' fees figure.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge on August 30, 2019.

/s/ Richard C. Vasquez
Richard C. Vasquez

CERTIFICATE OF SERVICE

I hereby certify that on August 30, 2019, the foregoing **DECLARATION OF RICHARD C. VASQUEZ** was electronically filed using the Court's CM/ECF system, which will automatically send email notification of such filing to all attorneys of record, and that papers will be sent to those indicated as non-registered participants.

/s/ Richard C. Vasquez

Richard C. Vasquez